

ORDINANCE NO. 2017-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, AMENDING CHAPTERS 7 AND 10 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 7-1 AND RENUMBERING IT AS SECTION 10-1 PERTAINING TO EMERGENCY SERVICES; DEFINITIONS; BY AMENDING SECTION 7-2 AND RENUMBERING IT AS SECTION 10-2 PERTAINING TO EMERGENCY SERVICES; PURPOSES; BY AMENDING SECTION 7-3 AND RENUMBERING IT AS SECTION 10-3 PERTAINING TO CIVIL PREPAREDNESS ORGANIZATION AND DIRECTOR; DISASTER PLAN; BY AMENDING SECTION 7-4 AND RENUMBERING IT AS SECTION 10-4 PERTAINING TO EMERGENCY SERVICES; MUTUAL AID; BY RENUMBERING SECTION 7-5 AS SECTION 10-5 PERTAINING TO VIOLATION OF MAYOR'S EMERGENCY PROCLAMATION; IDENTIFYING CURRENT CHAPTER 10 OF THE PEORIA CITY CODE (1992) TO BE RENUMBERED AND/OR AMENDED BY A SEPARATE ORDINANCE; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 7 of the Peoria City Code (1992) is amended by amending Section 7-1 and renumbering it as Section 10-1 pertaining to Emergency Services; definitions and which shall read as follows:

Sec. ~~7~~10-1. Emergency Services; definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Civil and homeland preparedness: ~~means~~ means—~~t~~The organization, administration, trained manpower, facilities, equipment, material, supplies, programs, emergency plans, ability to execute emergency plans, and all other measures necessary and incidental thereto relating to disaster prevention preparedness response, and recovery by all governmental and private sector agencies to protect or save health, life or property.

Disaster: ~~means—t~~The occurrence or imminent threat of widespread or severe damage, injury or loss of life or property, or extreme peril to the safety of persons or property, resulting from any natural or manmade causes, including but not limited to fire, flood, earthquake, wind, storm, blight, drought, famine, infestation, air contamination, epidemic, explosion, riot or other acts of civil disobedience which endanger life or property, or hostile military or paramilitary action.

Emergency: ~~means—t~~The existence of a disaster within the city limits requiring immediate action by the emergency forces of the city.

Emergency forces: ~~means—a~~All city governmental and private sector agencies, volunteers, facilities, equipment, trained manpower, and other resources required to perform civil preparedness functions.

Emergency Functions: Warning and communications services, relocation of persons from stricken areas, temporary restoration of utilities, transportation, welfare, engineering, search, rescue, health, law enforcement, fire fighting, ad other activities necessary or incidental thereto.

Emergency Management: Preparedness activities designed to minimize the effects on the population from an attack or peacetime disaster, to deal with the immediate emergency conditions which would be created, and to carry out emergency repairs to facilities that have been destroyed or damaged.

Emergency Operation Center “EOC”: A central facility from which key officials can gather information during an emergency, make decisions, and direct and coordinate response and recovery efforts.

Local emergency: ~~means—t~~The existence of conditions of a disaster of extreme peril to the safety of persons or property within the city limits, and the situation is or is likely to be beyond the capability and resources of the city as determined by the mayor and which requires the combined efforts of other political subdivisions.

Response: The efforts to minimize the risks created in an emergency by protecting the people, the property and the environment, and to return the situation to normal pre-emergency conditions.

State of emergency: ~~means—t~~The duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the capabilities and resources of any single county, city or town, and requires the combined efforts of the state and the political subdivision.

State of war emergency: ~~means~~ the condition which exists immediately whenever this nation is attacked or upon receipt by this state of a warning from the federal government indicating that such an attack is imminent.

Regulations: ~~means~~ the orders, rules and emergency procedures deemed essential for civil preparedness.

Cross reference(s) -- Definitions and rules of construction generally, § 1-2.

State law reference(s) -- Similar provisions, A.R.S. § 26-101

SECTION 2. Chapter 7 of the Peoria City Code (1992) is amended by amending Section 7-2 and renumbering it as Section 10-2 pertaining to Emergency Services; purposes and which shall read as follows:

Sec. ~~7~~10-2. Emergency Services; purposes.

The purposes of this chapter are to:

- (1) Reduce vulnerability of people and the community to damage, injury, and loss of life and property resulting from natural or manmade catastrophes, riots, or hostile military or paramilitary action.
- (2) Prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster.
- (3) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons, essential services and property affected by disasters.
- (4) Clarify and strengthen the roles of the mayor, council, city manager, and city agencies in prevention of, preparation for, and response to and recovery from disasters.
- (5) Authorize and provide for cooperation in disaster prevention, preparedness, and response and recovery.
- (6) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery by agencies and officers of this city, agencies of the private sector and similar activities in which the federal government, the state and its political subdivisions may participate.
- (7) Provide a ~~disaster~~ management system embodying all aspects of mitigation, training response and recovery from disaster, ~~predisaster response.~~

SECTION 3. Chapter 7 of the Peoria City Code (1992) is amended by amending Section 7-3 and renumbering it as Section 10-3 pertaining to Civil preparedness organization and director; disaster plan and which shall read as follows:

Sec. 710-3. Civil preparedness organization and director; Emergency Operations disaster plan.

(a) The city manager shall create a civil preparedness organization.

(b) The director of civil preparedness shall be appointed by the city manager. The director is responsible in non-emergency periods to act on behalf of the city to develop a readiness for the city's civil preparedness and for coordinated operations in disaster situations. During emergencies, the director shall act as the principal advisor or aide to the ~~mayor~~City Manager on emergency operations. His major responsibility is to assure coordination among emergency forces and with higher and adjacent governments, by assuring that EOC functions effectively. He shall assist the mayor in the execution of operations, plans and procedures required by the emergency. The director shall prepare a comprehensive Emergency Operation disaster basic plan which shall be adopted and maintained by resolution of the council upon the recommendations of the director. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies to be used to the fullest extent. The disaster plan shall be considered supplementary to this chapter and have the effect of law whenever emergencies, have been proclaimed.

(c) The director shall prepare a comprehensive hazard mitigation plan which shall be adopted and maintained by resolution of the council upon the recommendation of the director. In the preparation of this plan as it pertains to city organization, it is the intent that that the services, equipment, facilities and personnel of all existing departments and agencies be used to the fullest extent. The hazard mitigation plan shall be considered supplementary to this chapter and provide guidance to all departments when conducting business to mitigate potentials disaster whenever possible.

SECTION 4. Chapter 7 of the Peoria City Code (1992) is amended by amending Section 7-4 and renumbering it as Section 10-4 pertaining to Emergency Services; mutual aid and which shall read as follows:

Sec. 710-4. Emergency Services; mutual aid.

In periods of declared local emergency, the city may provide or accept mutual aid to and from any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor. The city may request from the county and/or state agencies mutual aid, including personnel, equipment and other available resources to assist the city during the local emergency in accordance with emergency plans or at the direction of ~~the~~chairman of the board and/or the governor.

SECTION 5. Chapter 7 of the Peoria City Code (1992) is amended by renumbering Section 7-5 as Section 10-5 pertaining to Violation of mayor's emergency proclamation and which shall read as follows:

Sec. ~~7~~10-5. Violation of mayor's emergency proclamation.

It is unlawful for any person to violate any provision of a proclamation of the mayor promulgated pursuant to charter, art. II, § 7 or A.R.S. § 26-311.

SECTION 6. The current sections of Chapter 10 of the Peoria City Code (1992) will be renumbered and/or amended by way of a separate ordinance to be submitted to the Mayor and City Council for approval.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 21 day of March, 2017.

Dated: _____

Cathy Carlat, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen J. Burg, City Attorney

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Effective Date:
